

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

M.D., b/n/f Sarah R. Stukenberg, et al., §
§
Plaintiffs, §
v. §
§
GREG ABBOTT, in his official capacity § Civil Action No. 2:11-CV-00084
as Governor of the State of Texas, et al., §
§
Defendants. §

**PLAINTIFFS' MOTION TO AMEND PROPOSED
ALLOCATION OF PRIVATE LAW FIRM FEES**

Class Counsel filed their application for fees prior to learning the full extent of the State's conduct as to compliance with the letter and spirit of the Court's Orders and minimum standards for preventing further risk of harm to thousands of Texas children. The Private Law Firm Class Counsel included in the application a willingness to have their potential fees allocated in such a manner that the State could use for valid child welfare purposes, subject to input from the Monitors and order of the Court, fees that these counsel are entitled to seek. Given the State's misconduct and admitted lack of candor, however, the Private Law Firm Counsel (Yetter Coleman and Haynes and Boone) respectfully wish to modify their proposal that the State participate in or benefit from these fees to enhance its budget for programs to benefit foster children.

Under the circumstances, the Private Law Firm Class Counsel fear that their offer, intended to benefit Texas children, has been misconstrued and request that the Order constitute an award of their reasonable and necessary attorney fees, with no reference to the State of Texas. Class Counsel will be in a position to confirm that the funds are devoted to the benefit of present or future foster children, without the State's involvement, and Counsel will rely on the guidance of the Monitors, the Court, and non-profit child advocacy groups in directing allocation of the fees.

PRAYER

For these reasons, and to the extent necessary to clarify their intent as the fees properly sought by the Private Law Firm Class Counsel, Plaintiffs respectfully pray that the Court grant this Motion to Amend the Fee Application to withdraw Private Law Firm Class Counsel's proposal for allocation of their earned and legally entitled fees to handling by the State.

Dated: November 4, 2019

Respectfully submitted,

Samantha Bartosz (*pro hac vice*)
Stephen A. Dixon (*pro hac vice*)
Christina Wilson Remlin (*pro hac vice*)
CHILDREN'S RIGHTS
88 Pine Street, Suite 800
New York, New York 10005
(212) 683-2210
(212) 683-4015 (Fax)
sbartosz@childrensrights.org

/s/ R. Paul Yetter
R. Paul Yetter
State Bar No. 22154200
Dori Kornfeld Goldman
State Bar No. 24041274
Lonny Hoffman
State Bar No. 00784282
YETTER COLEMAN LLP
811 Main Street, Suite 4100
Houston, Texas 77002
(713) 632-8000
(713) 632-8002 (Fax)
pyetter@yettercoleman.com

Marcia Robinson Lowry (*pro hac vice*)
A BETTER CHILDHOOD, INC.
355 Lexington Ave., Floor 16
New York, New York 10011
(646) 795-4456
mlowry@ABetterChildhood.org

Barry F. McNeil
State Bar No. 13829500
HAYNES AND BOONE, LLP
Dallas, Texas 75219
(214) 651-5000
(214) 200-0535 (Fax)
barry.mcneil@haynesboone.com

ATTORNEYS FOR PLAINTIFFS AND THE
GENERAL CLASS AND SUBCLASSES

CERTIFICATE OF SERVICE

I certify that on this 4th day of November, 2019, we electronically filed this pleading with the Clerk of Court using the CM/ECF system, through which all counsel have been served.

/s/ R. Paul Yetter
R. Paul Yetter